

RESOLUTION _____

A RESOLUTION on the establishment of a Long-term Creek Restoration Plan that implements Seattle's Comprehensive Plan goal for achieving the long-term health of Seattle's creeks.

WHEREAS, the City has established a goal in the Seattle Comprehensive Plan to achieve the long-term health of Seattle's creeks by taking action to reduce ongoing flooding and property damage caused by creek degradation, improve fish and wildlife habitat, maintain Seattle's water systems, improve water quality, reduce the City's use of chemicals known to have negative impacts on creeks and remove existing barrier for fish in creeks; and

WHEREAS, the City is interested in the environmental stewardship of Seattle's urban creeks; and

WHEREAS, the City is interested in creating a feasible and long-term approach to the health of creeks; and

WHEREAS, the City has stated its goal in the Seattle Comprehensive Plan to develop a long-term creek restoration plan to assess what is needed to restore and sustain Seattle's creeks, as part of overall watershed quality; and

WHEREAS, the City is interested in identifying incentives and opportunities for creek restoration;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR CONCURRING, THAT:

SECTION I: Long –Term Creek Restoration Plan

The City shall develop a Long-Term Creek Restoration Plan (Plan) in support of the Seattle Comprehensive Plan goals.

1. The Plan shall set forth the City's objectives, requirements, timelines for action, and financing strategies for creek restoration on private and public property. The Plan shall specifically include, but not be limited to, the following elements:

A. Creek Restoration Goals. The Plan shall include creek restoration goals consistent with the goals of the Comprehensive Plan that shall include the following:

- 1). Reduce ongoing flooding and property damage caused by creek degradation;
- 2). Improve fish and wildlife habitat;
- 3). Promote salmon recovery;

- 4). Maintain and enhance Seattle's natural drainage infrastructure;
- 5). Ensure free passage for fish in the City's urban areas;
- 6). Provide an aesthetically pleasing open space for Seattle residents; and
- 7). Improve water quality.
- 8). Respect the ecological, cultural, and historical significance of creeks, and their watersheds.

B. Objectives. Develop a statement of the City's objectives for creek restoration and/or daylighting on each creek within the City of Seattle. The City will develop measurable performance targets for generally accepted physical and biological indicators of creek health. In developing the objectives, the City shall consider any objectives or goals included within existing watershed plans.

C. Storm Water Pollution. Develop a storm water pollution work program that, to the extent possible, is in concert with NPDES permit implementation plans. The City shall evaluate strategies and recommend, if appropriate, additional regulations to further reduce storm water pollution and related impacts to creek ecosystems. The strategies to be evaluated shall include, at a minimum:

- a. Leadership in Energy and Environmental Design (LEED) and other sustainable building standards as they relate to storm water quality and quantity;
- b. Increased use of infiltration, including broad scale use of pervious and semi-pervious paving surfaces;
- c. Increasing buffer widths;
- d. Wetland restoration; and
- e. Restrictions on pesticide and fertilizer use on parcels draining to creeks.

D. Fish Passage Barriers. Develop a timeline for the removal of fish passage barriers present on City-owned property and City rights-of-way, and strategies and incentives for the removal of fish passage barriers present on private property, including identifying any funding incentives for private property owners.

E. Floodable Wetland Benches. Develop a work program to increase floodable wetland benches (floodways) in Seattle creeks to reduce downstream flooding impacts and enhance habitat.

1 F. Daylighting of Creeks on City Property. Develop a work program that identifies high
2 priority creeks that could be considered for daylighting within city parks and other City-owned
3 property other than City rights-of-way, and that recommends specific projects, legislation,
4 timelines and funding options, if appropriate.

5 G. Restoration of Creeks on City Property. Develop a work program to restore creeks on
6 City-owned property in accordance with the restoration objectives, as defined in subsection (B)
7 of this section, which shall be presented along with a timeline and funding options and any
8 appropriate legislation to the City Council.

9 H. Incentive Plan for Restoration and Daylighting of Creeks Citywide. Develop
10 opportunities and potential incentives for restoration and/or daylighting of creeks on both public
11 and private property.

12 I. Education and Outreach to Creek side Property Owners. Develop a work program and
13 timeline for conducting education and outreach to creek side property owners concerning creek
14 and riparian function and best management practices.

15 J. Private/Public Partnerships. Develop opportunities for public/private partnerships to
16 fulfill the objectives of this plan.

17 K. Interjurisdictional Planning. Develop a method and timeline for joint planning with
18 other political jurisdictions sharing responsibilities for creeks that flow entirely or partly within
19 Seattle.

20 L. City Regulations. Develop a work program to propose updates to existing creek
21 protection regulations, critical areas regulations and shoreline master program, which would
22 promote restoration of creeks, to be included in the City's required updates to these regulations.

23
24 2. Integration with Existing Programs. Where an existing City program or planning document
25 satisfies one or more of these requirements, such program or document may be incorporated
26 into the Plan by reference.

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28 3. Public Participation. The City shall involve the public in creating the draft plan through the
29 public process described in Section II.
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- 1 4. Timeline for Completion. A draft plan shall be prepared and presented to the Council and
2 public within 18 months after enactment of this resolution. A final plan shall be presented to
3 the City Council for adoption within 24 months after enactment of this Resolution.
- 4 5. Updating Requirements. The City shall update the Long-term Creek Restoration Plan
5 every seven years. The City shall hold public meetings and solicit comments from the public and
6 interested organizations for updates to the plan.
- 7 6. Pesticide Reduction Requirements. The plan shall incorporate the pesticide reduction
8 plan required by Ordinance _____.
- 9
- 10 7. Seattle Public Utilities (SPU) is required to adopt administrative rules to further define
11 the creek restoration requirements of the Plan.
- 12

13 **Section II. Long-Term Creek Restoration Plan Citizen Task Force**

14 A. The Long-Term Creek Restoration Plan Citizen Task Force shall be created to advise
15 Seattle Public Utilities (SPU) in creating the elements of the Long-Term Creek Restoration Plan.
16 The Task Force shall meet with SPU on at least a monthly basis to participate in the development
17 of the Long-Term Creek Restoration Plan. SPU shall provide monthly updates to the Task Force
18 and receive comment and feedback from the Task Force. SPU shall respond to Task Force
19 comments, from each meeting, in writing at the next scheduled meeting of the Task Force.

20 The Task Force shall take public comment on the draft plan through at least three (3)
21 public meetings, and shall then provide SPU with further recommendations on the draft plan
22 based on oral and written comments from the public. SPU shall deliver the draft plan to the
23 Council no later than 18 months after enactment of this Resolution. The Task Force shall be
24 disbanded following Council adoption of the Long-Term Creek Restoration Plan.

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26 B. The Task Force shall consist of nine (9) members including: Two (2) representatives
27 from environmental organizations; one (1) representative from the City's Planning Commission;
28 one (1) representative of a business organization that represents Seattle businesses; four (4)
29 citizens representing different geographic areas of the City in which a high-priority creek is
30 located; and one (1) young adult member selected pursuant to SMC Chapter 3.51.

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C. Members shall be appointed by the Mayor and confirmed by the Council. Members shall serve without pay. Seattle Public Utilities shall provide staff and logistical support for the Task Force.

SECTION III: DEFINITIONS

For the purposes of this resolution, the following definitions apply:

A. "Buffers" mean the area 50 feet on either side of a creek, except that buffer averaging is allowed.

B. "Channel" means a passage, which may be natural, altered or engineered.

C. "Creek" means any naturally occurring watercourse that carries water, either continuously or intermittently, within a defined channel with defined bed and banks that is hydrologically connected to a watercourse or a natural body of water above and/or below the site or is connected to a spring, headwater, lake, wetland, or Puget Sound. Alterations to portions of a natural creek channel, including the construction of conduits, culverts or other improvements, do not affect its status as a creek. A creek includes piped or converted segments that are hydrologically connected to a naturally occurring creek above and/or below the site of such pipe or culvert. The definition of creeks excludes the following:

- a. Improved roads;
- b. Constructed rain gutters and drainage facilities fed only by the rain gutters of a building or other roof runoff;
- c. Curb/gutters, pipes, culverts (other than piped and culverted creek segments that are hydrologically connected to a naturally occurring creek as specified above), fully enclosed storm sewers, inlets, and catch basins;
- d. Constructed biofiltration swales, detention basins, or storm water attenuation facilities that were not intended to function as creeks or wetlands, and/or were not installed as mitigation for creek or wetland disturbances;

The City may maintain maps and other records, reflecting such creeks for the guidance of the public.

D. "Creek corridor" means the pipe, culvert, or other engineered system that contains the creek, and the creek buffer.

E. "Daylighting" means redirecting a creek segment that is contained within a pipe, culvert, or other engineered system into a natural, open channel.

F. "Fish Passage Barrier" is any culvert failing to meet the standards under WAC 220-110-070(3) or any other impediment to fish passage.

G. "Floodable Wetland Benches" means a strip of wetland bordering a creek channel, which is designated to inundate during high stream flows to provide shelter to fish and decrease downstream flooding.

H. "High Priority Creeks" means the following creeks Thornton Creek's main stem, north branch, and south branch at least through the North Seattle Community College site, Pipers Creek, Longfellow Creek, Fauntleroy Creek, Taylor Creek, Ravenna Creek, and Schmitz Park Creek.

K. "Riparian" relating to or living or located on the bank of a natural watercourse including creeks.

Adopted by the City Council the ____ day of _____, 2004, and signed by me in open session in authentication of its adoption this ____ day of _____, 2004.

President of the City Council

THE MAYOR CONCURRING:

Mayor

Filed by me this ____ day of _____, 2004.

City Clerk

(Seal)